

ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701
OFFICE: (775) 684-5670
FAX NO.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE 5100
LAS VEGAS, NEVADA 89101
OFFICE: (702) 486-2500
FAX NO.: (702) 486-2505

Office of the Governor

June 6, 2011

Speaker John Oceguera
Nevada State Assembly
401 South Carson Street
Carson City, NV 89701

RE: Assembly Bill 501 of the 76th Legislative Session

Dear Mr. Speaker:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 501, which is entitled:

AN ACT relating to the death penalty; providing for an audit of the fiscal costs of the death penalty; and providing other matters properly relating thereto.

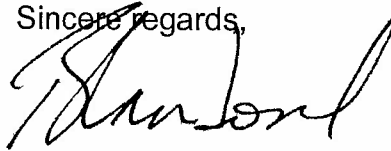
This bill requires the Legislative Auditor to conduct an audit of the fiscal costs associated with the death penalty in this State. It further requires that the audit include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases, including the costs relating to the death penalty borne by the State and by local governments at each stage of the proceedings. These costs include pretrial costs, trial costs, appellate costs, postconviction costs and costs of incarceration.

An assessment of the costs of the death penalty is naturally a part of the policy discussion surrounding the ultimate punishment under the law. However, any discussion of the costs must be founded upon fair and accurate study. This bill lacks the specificity necessary to persuade me that the outcome of the audit performed will be fair. The bill, for example, lists the costs to be assessed in determining the overall fiscal impact of the imposition of the death penalty, but it does not specify how it is these costs will be assessed. There is no methodology for determining the cost of counsel in either the prosecution or defense of such cases, nor is there a prescribed method for the assessment of any of the other costs purported to be studied by the bill. Furthermore, the bill does not reflect how the audit will account for the influence of individualized litigation choices, in the context of death penalty litigation generally, made by defendants that often drive the costs of such cases. Thus, because the bill fails to

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assure me that the outcome of the audit will be reliable and fair, I veto it, returning it to you without my signature.

Sincere regards,

A handwritten signature in black ink, appearing to read "Brian Sandoval", written over the typed name.

BRIAN SANDOVAL
Governor

Enclosure

cc: The Honorable Brian Krolicki, President of the Senate (without enclosure)
The Honorable Steven Horsford, Senate Majority Leader (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
David A Byerman, Secretary of the Senate (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)